

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO.: 05-330M
Plaintiff,)
v.) DETENTION ORDER
KYU PYO HAN,)
Defendant.)

Offense charged:

Conspiracy to Smuggle and Transport Illegal Aliens

Date of Detention Hearing: July 1, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is charged with two co-defendants with the offense of conspiracy to smuggle and transport illegal aliens. The complaint alleges that he was arrested when he was about to transport nine individual into the interior of the United States. Three thousand dollars in cash was found on his person at the time of arrest.

(2) Defendant was born in Korea. He is alleged to be in the country illegally, having overstayed his visa. An immigration detainer has been filed.

(3) The defendant is not seen as posing a risk of danger. He might be an appropriate candidate for release on pretrial supervision but for the immigration detainer, which would likely result in his deportation if he were to be released from federal custody, thus virtually guaranteeing his nonappearance at future court hearings.

(4) There does not appear to be any condition or combination of conditions that will reasonably assure the defendant's appearance at future Court hearings.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 1st day of July, 2005.



Mary Alice Theiler
United States Magistrate Judge